

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VERONICA IACOBESCU,

Plaintiff,

Case No. 1:08-cv-601

v

HON. JANET T. NEFF

LANSING COMMUNITY COLLEGE
AND DENTAL HYGIENE
PROGRAM,

Defendant.

JUDGMENT

This is a civil action filed against Lansing Community College and Dental Hygiene Program. On July 31, 2008, the Magistrate Judge filed a Report and Recommendation, recommending that the action be dismissed upon initial screening pursuant to 28 U.S.C. § 1915A(b) on grounds that the complaint failed to state a claim. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Judgment. *See* FED. R. CIV. P. 58.

Plaintiff states that Defendant discriminated against her based upon her national origin thereby violating her federal rights. However, the Magistrate Judge correctly determined that

Plaintiff's complaint did not articulate a cognizable claim or appropriately establish federal jurisdiction.

Plaintiff's objections attempt to amend her complaint. The Magistrate Judge previously denied Plaintiff's attempts to amend her complaint on two occasions pursuant to FED. R. CIV. P. 15(a) because she had previously filed a supplement to her complaint on July 17, 2008 and was not subsequently granted leave to amend. *See* Dkts 9 & 10. In addition, "issues raised for the first time in objections to magistrate judge's report and recommendation are deemed waived." *See United States v. Waters*, 158 F.3d 933, 936 (6th Cir.1998) (citing *Marshall v. Chater*, 75 F.3d 1421, 1426-27 (10th Cir. 1996)).

Though not addressed by the Magistrate Judge, for these reasons and because this action was filed *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Judgment would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997).

THEREFORE, IT IS ORDERED that the objections (Dkt 8) are DENIED and the Report and Recommendation (Dkt 7) is APPROVED and ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED that the Complaint (Dkt 1) is DISMISSED pursuant to 28 U.S.C. § 1915A(b) for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that the Court certifies pursuant to 28 U.S.C. § 1915(a) that an appeal of the Judgment would not be taken in good faith.

Date: October 22, 2008

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge